



YARRA CITY COUNCIL
INTERNAL DEVELOPMENT APPROVALS
COMMITTEE
MINUTES

**held on Wednesday 18 September 2019 at 6.30pm
in Meeting Rooms 1 & 2 at the Richmond Town Hall**

I. ATTENDANCE

Councillor Bridgid O'Brien
Councillor James Searle

Amy Hodgen (Co-ordinator Statutory Planning)
Madeleine Moloney (Senior Statutory Planner)
Cindi Johnston (Governance Officer)

II. APOLOGIES AND LEAVE OF ABSENCE

Councillor Stephen Jolly

III. DECLARATIONS OF CONFLICT OF INTEREST (councillors and staff)

IV. CONFIRMATION OF MINUTES

Internal Development Approvals Committee Resolution:

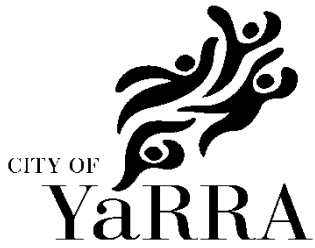
Moved: Councillor Searle **Seconded:** Councillor O'Brien

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 4 September 2019 be confirmed.

CARRIED

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***"Welcome to the City of Yarra.
Yarra City Council acknowledges the
Wurundjeri as the Traditional Owners
of this country, pays tribute to all
Aboriginal and Torres Strait Islander
people in Yarra and gives respect to
the Elders past and present."***



Guidelines for public participation at Internal Development Approval Committee meetings

POLICY

Council provides the opportunity for members of the public to address the Internal Development Approvals Committee.

The following guidelines have been prepared to assist members of the public in presenting submissions at these meetings:

- public submissions are limited to a maximum of five (5) minutes
- where there is a common group of people wishing to make a submission on the same matter, it is recommended that a representative speaker be nominated to present the views of the group
- all public comment must be made prior to commencement of any discussion by the committee
- any person accepting the chairperson's invitation to address the meeting shall confine himself or herself to the subject under consideration
- people making submissions shall address the meeting as a whole and the meeting debate shall be conducted at the conclusion of submissions
- the provisions of these guidelines shall be made known to all intending speakers and members of the public generally prior to the commencement of each committee meeting.

For further information regarding these guidelines or presenting submissions at Committee meetings generally, please contact the Governance Branch on (03) 9205 5110.

**Governance Branch
2008**

Councillor Searle nominated Councillor O'Brien as Chair.

There being no other nominations, Councillor O'Brien was appointed Chair.

Councillor O'Brien assumed the Chair.

1 INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item		Page	Res. Page
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1.2	PLN17/1124.01 - 33 - 39 Keele Street Collingwood - Section 72 Amendment to the permit and plans to; change the use from food and drinks premise (cafe) to a restaurant with up to 200 patrons, in conjunction with the restricted retail (as-of-right); increase the hours of the restaurant from Monday to Sunday 7.00am - 7.00pm to Monday to Sunday 7.00am - 11.00pm; include the sale and consumption of liquor (on and off the premises) between Monday to Sunday 7.00am - 11.00pm; and internal alterations.	8	12
1.3	PLN17/1016.01 - 221 Swan Street, Richmond - Section 72 Amendment to the plans to increase the floor area to include a basement (for sale and consumption of liquor) and further reduce the car parking requirement of the Yarra Planning Scheme	17	23

**1.1 200 / 658 Church Street Cremorne - Melba - Planning Permit Application
PLN19/0007 - Display of internally-illuminated sky signage**

Reference: D19/149065

Authoriser: Coordinator Statutory Planning

RECOMMENDATION

That a Notice of Decision to Grant a Planning Permit PLN19/0007 be issued for display of internally illuminated sky signage at 200 / 658 Church Street, Cremorne generally in accordance with the plans noted previously as the “decision plans” and subject to the following conditions:

1. The location and details of the signs, including the supporting structure, as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
2. The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
3. Before the development commences, an amended Lighting Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Lighting Report will be endorsed and will form part of this permit. The amended Lighting Report must be generally in accordance with the Report on Motorist Glare of 7-Eleven Illuminated Sign at 200 / 658 Church Street, Cremorne by Dr. Richard Dluzniak Consulting Engineering, dated 30 May 2019 but modified to include (or show, or address):
 - (a) The assessment of obtrusive light spill included in the Report on Obtrusive Light of Proposed 7-Eleven Illuminated Sign at 200/658 Church Street, Cremorne by Dr Richard Dluzniak Consulting Engineering, dated 3 September 2019.
4. The provisions, recommendations and requirements of the endorsed Lighting Report must be implemented and complied with to the satisfaction of the Responsible Authority.

VicRoads conditions (conditions 5 – 8)

5. The luminance of the advertising signs must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/sqm, throughout the driver's approach to the advertising sign.
6. The sign must not be flashing, scrolling or intermittent light.
7. The sign must remain static at all times.
8. The signs must not:
 - (a) Dazzle or distract drivers due to its colouring;
 - (b) Be able to be mistaken for a traffic signal because it has, for example, red circles, octagons, crosses or triangles;
 - (c) Be able to be mistaken as an instruction to drivers.
9. This permit will expire if the sign is not erected within 2 years of the date of this permit. The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or twelve months afterwards for completion.

10. This permit expires 15 years from the date of the permit.
11. On expiry of this permit the approved signs and structures built specifically to support or illuminate it must be removed.

Notes:

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5428 to confirm.

Submissions

Ms Anna Thang addressed the Committee on behalf of the Applicant.

The following people also addressed the Committee:

Mr Jonathan Earle; and
Ms Kate Horwood.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Searle

Seconded: Councillor O'Brien

That a Notice of Refusal for Planning Permit PLN19/0007 be issued for display of internally illuminated sky signage at 200 / 658 Church Street, Cremorne generally in accordance with the plans noted previously as the "decision plans" on the following grounds:

1. The proposed signage does not respect the skyline and character of the surrounding area and does not meet the objectives of Clauses 52.05 (Signs) and 22.04 (Advertising Signs Policy) of the Yarra Planning Scheme.
2. The proposal fails to adequately respond to the natural landscape character of the Yarra River corridor as set out in the objective and strategies contained in policy at Clause 12.03-1R (Yarra River protection) of the Yarra Planning Scheme.
3. The proposal does not respect the wildlife corridor below.

CARRIED UNANIMOUSLY

-
- 1.2 PLN17/1124.01 - 33 - 39 Keele Street Collingwood - Section 72 Amendment to the permit and plans to; change the use from food and drinks premise (cafe) to a restaurant with up to 200 patrons, in conjunction with the restricted retail (as-of-right); increase the hours of the restaurant from Monday to Sunday 7.00am - 7.00pm to Monday to Sunday 7.00am - 11.00pm; include the sale and consumption of liquor (on and off the premises) between Monday to Sunday 7.00am - 11.00pm; and internal alterations.**
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Reference: D19/146042

Authoriser: Coordinator Statutory Planning

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to Issue a Notice of Decision to Amend a Planning Permit PLN17/1016 to allow for buildings and works and reduction in the car parking requirement associated with the use of the land for restricted retail (as of right use) and food and drinks (cafe), and subsequent changes to the permit preamble, endorsed plans and condition 2, at 33 – 39 Keele Street Collingwood, in accordance with the decision plans and subject to the following conditions:

Preamble (amended)

Sale and consumption of liquor (on and off the premise) associated with a restaurant and restricted retail (as-of-right use), a reduction in the car parking requirements of the Scheme and buildings and works.

Conditions (amended or new conditions in bold)

1. The use, development **and sale and consumption of liquor** as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Use – Restaurant

2. **Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:**
 - (a) **Sunday to Thursday 7.00am to 10.00pm;**
 - (b) **Friday and Saturday 7.00am to 11.00pm; and**
 - (c) **Monday 7.00am to 7.00pm.**
3. **Deleted.**
4. **No more than 150 patrons are permitted on the land at any one time in association with the use of the land as a restaurant.**
5. **Seating for a minimum of 75% of patrons must be provided at all times liquor is made available for sale and consumption.**
6. There must be no speakers external to the building erected or used.
7. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).

8. **The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).**
9. The amenity of the area must not be detrimentally affected by the use or development or **sale and consumption of liquor**, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
 - (d) the presence of vermin;to the satisfaction of the Responsible Authority.
10. Except with the prior written consent of the Responsible Authority, delivery and collection of all goods to and from the land associated with the use approved under this permit may only occur between 7.00am and 7.00pm Monday to Sunday.
11. **Emptying of bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or after 9am on a Sunday or public holiday.**
12. **Except with the prior written consent of the Responsible Authority, the roller doors (or an alternative physical sound barrier in accordance with condition 16) must be closed from 8pm onwards Sunday to Thursday and from 10pm Friday and Saturday.**

Sale and consumption of liquor

13. **Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the hours of:**
 - (a) **Sunday – 10.00am to 10.00pm;**
 - (b) **Monday – 9.00am to 7.00pm;**
 - (c) **Tuesday to Thursday – 9.00am to 10.00pm; and**
 - (d) **Friday and Saturday – 9.00am to 11.00pm.**
14. **Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.**
15. **The sale of liquor for consumption off the premise is associated with the restricted retail use.**

Acoustic Report

16. **Before the use or sale and consumption of liquor commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Clarity Acoustic and dated 28 May 2019, but modified to include (or show, or address):**

- (a) Confirm that the roller doors (or an alternative physical sound barrier) will be closed from 8pm onwards Sunday to Thursday and from 10pm Friday and Saturday and compliance with SEPP N-2 requirements is demonstrated;
 - (b) The in-house music system to incorporate spectrum shaping capabilities, and the music levels to be set by a suitably qualified acoustical consultant for SEPP N-2 compliance and to be maintained at all times; and
 - (c) The patron numbers and operating hours of the use in accordance with Conditions 2 and 3.
17. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
18. Within 3 months of the commencement of the use or sale and consumption of liquor, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the updated post-commencement Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
- (a) Confirm that the recommendations of the endorsed acoustic report required as part of Condition 16 have been implemented;
 - (b) Assess their effectiveness in meeting the predicted patron noise level and SEPP N-1 and SEPP N-2 requirements as outlined within the endorsed acoustic report required as part of Condition 16; and
 - (c) If non-compliance with Condition 16 is measured, the venue must implement additional acoustic measures as recommended by the amended acoustic report within one month of the date of the amended acoustic report.

The provisions, recommendations and requirements of the endorsed post-commencement Acoustic Report be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan required

19. Before the use or sale and consumption of liquor commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.
20. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Buildings and works

21. Before the building is occupied by the use approved under this permit, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
22. Except with the prior written consent of the Responsible Authority, demolition or construction works approved under this permit must not be carried out:

- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm,;
- (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
- (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Expiry conditions

23. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit;
- (b) the development is not completed within four years of the date of this permit; or
- (c) the use and sale and consumption of liquor is not commenced within two years from the date of this permit; or**
- (d) the use and sale and consumption of liquor is discontinued for a period of two years.**

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

Notes:

The restaurant premises will be required to comply with the Food Act 1984. The use must not commence until registration, or other approval, has been granted by Council's Health Protection Unit.

All future property owners, business owners and employees within the development approved under this permit will not be permitted to obtain employee or visitor parking permits.

The use of the site for Restricted Retail does not require a planning permit pursuant to Clause 34.02-1 of the Yarra Planning Scheme using the definition set out at Clause 74 (Definitions) of the Yarra Planning Scheme. A planning permit may be required to use the land for the purpose of Retail.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

The signage shown on plans for this application does not require a planning permit pursuant to Clause 52.05-7 (Advertising signs) of the Yarra Planning Scheme and was therefore not assessed under this policy.

Submissions

Tim of Message Consultants addressed the Committee on behalf of the Applicant.

The following people also addressed the Committee:

Mr David Atkinson;
Ms Maree Atkinson;
Mr David Campbell;
Mr John Lewin;
Ms Kate McGeorge; and
Ms Diane Crew.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Searle **Seconded:** Councillor O'Brien

That having considered all relevant planning policies, the Committee resolves to Issue a Notice of Decision to Amend a Planning Permit PLN17/1016 to allow for buildings and works and reduction in the car parking requirement associated with the use of the land for restricted retail (as of right use) and food and drinks (cafe), and subsequent changes to the permit preamble, endorsed plans and condition 2, at 33 – 39 Keele Street Collingwood, in accordance with the decision plans and subject to the following conditions:

Preamble (amended)

Sale and consumption of liquor (on and off the premise) associated with a restaurant and restricted retail (as-of-right use), a reduction in the car parking requirements of the Scheme and buildings and works.

Conditions (amended or new conditions in bold)

1. **Before the use, development or sale and consumption of liquor commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by OLA, TP0.01 dated 2 May 2019 and TP2.01 dated 5 April 2019 but modified to show:**
 - (a) **An internal sound lock to the principal patron entry.**
2. The use, development **and sale and consumption of liquor** as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Use – Restaurant

3. **Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:**

- (a) Sunday to Thursday 7.00am to **9.00pm**;
- (b) Friday and Saturday 7.00am to **10.00pm**; and
- (c) Monday 7.00am to 7.00pm.

- 4.** Deleted.
- 5.** No more than **125 patrons** are permitted on the land at any one time in association with the use of the land as a restaurant.
- 6.** Seating for a minimum of 75% of patrons must be provided at all times liquor is made available for sale and consumption.
- 7.** There must be no speakers external to the building erected or used.
- 8.** The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 9.** The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
- 10.** The amenity of the area must not be detrimentally affected by the use or development or **sale and consumption of liquor**, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
 - (d) the presence of vermin;to the satisfaction of the Responsible Authority.
- 11.** Except with the prior written consent of the Responsible Authority, delivery and collection of all goods to and from the land associated with the use approved under this permit may only occur between 7.00am and 7.00pm Monday to Sunday.
- 12.** Emptying of bottles and cans into bins may only occur between 7am and **7pm** on Monday to Saturday or after 9am on a Sunday or public holiday.
- 13.** Except with the prior written consent of the Responsible Authority, the roller doors (or an alternative physical sound barrier in accordance with **condition 17**) must be closed from **7pm** onwards Sunday to Thursday and from **9pm** Friday and Saturday.

Sale and consumption of liquor

- 14.** Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the hours of:
 - (a) Sunday – 10.00am to **9.00pm**;
 - (b) Monday – 9.00am to 7.00pm;
 - (c) Tuesday to Thursday – 9.00am to **9.00pm**; and
 - (d) Friday and Saturday – 9.00am to **10.00pm**.

- 15.** Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
- 16.** The sale of liquor for consumption off the premise is associated with the restricted retail use.

Acoustic Report

- 17.** Before the use or sale and consumption of liquor commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Clarity Acoustic and dated 28 May 2019, but modified to include (or show, or address):
 - (a)** An assessment of the existing mechanical plant demonstrating compliance with SEPP N-1;
 - (b)** Delete references to seating on the external footpath;
 - (c)** The internal sound lock to the principal patron entry;
 - (d)** Confirm that the roller doors (or an alternative physical sound barrier) will be closed from 8pm onwards Sunday to Thursday and from 10pm Friday and Saturday and compliance with SEPP N-2 requirements is demonstrated;
 - (e)** The in-house music system to incorporate spectrum shaping capabilities, and the music levels and a noise limit with lock controls to be set by a suitably qualified acoustical consultant for SEPP N-2 compliance and to be maintained at all times; and
 - (f)** The patron numbers and operating hours of the use in accordance with Conditions 3 and 5.
- 18.** The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
- 19.** Within 3 months of the commencement of the use or sale and consumption of liquor, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the updated post-commencement Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
 - (a)** Confirm that the recommendations of the endorsed acoustic report required as part of Condition 17 have been implemented;
 - (b)** Assess their effectiveness in meeting the predicted patron noise level and SEPP N-1 and SEPP N-2 requirements as outlined within the endorsed acoustic report required as part of Condition 17; and
 - (c)** If non-compliance with Condition 17 is measured, the venue must implement additional acoustic measures as recommended by the amended acoustic report within one month of the date of the amended acoustic report.

The provisions, recommendations and requirements of the endorsed post-commencement Acoustic Report be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan required

- 20.** Before the use or sale and consumption of liquor commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. **The Waste Management Plan must include provisions for organic waste.** Once approved, the Waste Management Plan will be endorsed and will form part of this permit.
- 21.** The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Buildings and works

- 22.** Before the building is occupied by the use approved under this permit, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 23.** Except with the prior written consent of the Responsible Authority, demolition or construction works approved under this permit must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm,;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Expiry conditions

- 24.** This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit;
 - (b) the development is not completed within four years of the date of this permit; or
 - (c) the use and sale and consumption of liquor is not commenced within two years from the date of this permit; or**
 - (d) the use and sale and consumption of liquor is discontinued for a period of two years.**

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

Notes:

The restaurant premises will be required to comply with the Food Act 1984. The use must not commence until registration, or other approval, has been granted by Council's Health Protection Unit.

All future property owners, business owners and employees within the development approved under this permit will not be permitted to obtain employee or visitor parking permits.

The use of the site for Restricted Retail does not require a planning permit pursuant to Clause 34.02-1 of the Yarra Planning Scheme using the definition set out at Clause 74 (Definitions) of the Yarra Planning Scheme. A planning permit may be required to use the land for the purpose of Retail.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

The signage shown on plans for this application does not require a planning permit pursuant to Clause 52.05-7 (Advertising signs) of the Yarra Planning Scheme and was therefore not assessed under this policy.

CARRIED UNANIMOUSLY

1.3 PLN17/1016.01 - 221 Swan Street, Richmond - Section 72 Amendment to the plans to increase the floor area to include a basement (for sale and consumption of liquor) and further reduce the car parking requirement of the Yarra Planning Scheme

Reference: D19/139447

Authoriser: Coordinator Statutory Planning

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Amend a Planning Permit PLN17/1016 which approved *full demolition of the existing building and construction of a multi-storey building with roof terraces, display of an internally-illuminated sign, use of the land for sale and consumption of liquor (Restaurant and Café Licence) and reduction in car parking and bicycle parking requirements associated with a restaurant (as-of-right use)*, at 221 Swan Street, Richmond, with no change to the permit preamble but with amendments to permit conditions.

Conditions (amended and new conditions in bold):

Amended Plans

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans (prepared by YBL Remmus, Job No. 17062, Drawing Nos. TP-05 to TP-12 and TP-21, Rev. No. C, received by Council on 10 July 2018) but modified to show the following:
 - (a) Details depicted on the sketch plans prepared by YBL Remmus received by Council on 12 October 2018, as follows:
 - (i) A vent and duct system running from the void (located adjacent to the boundary window of the western adjoining property) to the Swan Street façade;
 - (ii) Two canopy trees and planters on the second floor, lower level and upper level roof terraces.
 - (b) Clear transparent glazing to the ground floor front façade.
 - (c) The solar PV array on the roof plan in accordance with the commitments in the Sustainable Management Plan (referenced at condition 15 of this planning permit).
 - (d) The notation "*bins to be placed here for Council pick up*" deleted from the ground floor plan.
 - (e) The height of the acoustic barriers to the mechanical plant.
 - (f) The installation of one bicycle hoop on the footpath in accordance with condition 21 and deletion of all plan notations referencing 6 bicycle hoops.
 - (g) All buildings, works and licensed area within the title boundaries of the subject site; and
 - (h) The provision of at least 2 on-site bicycle spaces for staff.
2. The development and sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. The development and sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Restaurant and Café Liquor Licence

4. The sale and consumption of liquor on the premises must only occur between the hours of 11:00am and 11:00pm, seven days a week.
5. No more than 192 restaurant patrons are permitted on the land at any time liquor is being sold or consumed, and further restricted as follows:
 - (a) From 10pm to 11pm, patron numbers within the lower level roof terrace reduced from 48 to 22.
6. No patrons are permitted within the upper level roof terrace beyond 10:00pm on any night, as per the commitment reference in the correspondence from Metropol Planning Solutions dated 4 July 2018.
7. The predominant activity in the restaurant, at all times, must be the preparation and serving of meals for consumption by patrons on the premises, during the times that liquor is allowed to be sold and consumed under this permit.
8. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons / customers to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
9. Deliveries associated with liquor may only occur between 8:00am and 4:00pm, unless with the prior written consent of the Responsible Authority.

Acoustic Report

10. Before the use and development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Cogent Acoustics and dated 02 July 2018, but modified to include (or show, or address) the following:
 - (a) The evening period SEPP N-1 noise limits (used for the mechanical services noise assessment and patron noise assessment) revert to the zoning levels (based on neutral background levels), making the evening targets 2dBA lower than currently shown in the report.
 - (b) The operator to undertake a full acoustical review of the mechanical plant (by an acoustic consultant) to ensure the final selected equipment and acoustic treatments will be sufficient to ensure SEPP N-1 compliance.
 - (c) The lowest 15 minute background level collected for the day/evening period be used for setting the day/evening period SEPP N-2 noise limits.
 - (d) The provision of electronic noise limiters/compressors on the amplifiers/speakers within the indoor and outdoor dining areas of the venue with setup guided by an acoustic consultant prior to operations commencing.
 - (e) The music levels to have minimal bass content during the SEPP N-2 Night period.
 - (f) The ventilation duct system running along the void (located adjacent to the boundary window of the western adjoining property) to the Swan Street frontage in accordance with the architectural drawings.
 - (g) The setbacks of the mechanical plant acoustic barriers from the boundaries in accordance with the architectural drawings.
11. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

12. The provision of music and entertainment on the land must be at a background noise level.
13. The sound system on the premises must not consist of bass speakers.

Waste Management Plan

14. Before the use and development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 10 January 2018, but modified to include the following:
 - (a) The collection times for the bins rather than saying outside of peak hours.
 - (b) How the private collection contractor will avoid double parking in Swan Street during collection.
 - (c) How the private collection contractor will avoid causing delays to trams operating along Swan Street during collection.
15. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainable Management Plan

16. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan (prepared by Sustainable Development Consultants, dated December 2017) must be implemented and complied with at all times to the satisfaction of the Responsible Authority.
17. Before the building is occupied, a completed JV3 energy modelling report must be prepared by a suitably qualified person and submitted to the Responsible Authority demonstrating that the 10% energy efficiency target committed to in endorsed Sustainable Management Plan will be reached.

Landscaping Plan Required

18. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
 - (a) be in accordance with the draft landscape plan prepared by TT Design, dated 01/10/2018 showing two trees and planters on the second floor and lower level and upper level roof terraces, including details of species, size, irrigation method and plant spacing; **and**
 - (b) show the basement level in sectional diagrams.**
19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
 - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and

- (c) replacing any dead, diseased, dying or damaged plants,
- to the satisfaction of the Responsible Authority.

Arborist Report

20. Before the development commences, an amended Arborist Report prepared by a suitably qualified Arborist must be submitted to and approved by the Responsible Authority. When approved the Arborist Report will be endorsed and will form part of this permit. The Arborist Report must:
- (a) be in accordance with the draft arborist report prepared by Bluegum, dated 13 February 2018 & 11 October 2018, identifying Trees 6 and 7 consistently throughout the report and showing additional tree protection measures for Tree 7.

Street Trees

21. Before the development starts, the permit holder must provide an Asset Protection Bond of \$2,193.45 (or an amount as agreed with Council's Streetscapes and Natural Values Unit) for the street tree to the Responsible Authority. The bond:
- (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) in accordance with the requirements of this permit; or
 - (d) otherwise, to the satisfaction of the Responsible Authority.

Bicycle hoop provision

22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, one (1) bicycle hoop must be installed:
- (a) on the footpath, aligned with the awning post of the western adjoining property, between the awning post and the existing parking sign pole;
 - (b) at the permit holder's cost and all costs borne by the permit holder; and
 - (c) in a location and manner, all to the satisfaction of the Responsible Authority.

Sign

23. The location and details of the sign as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
24. The sign must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
25. The sign must not include any flashing or intermittent light.

Construction Management Required

26. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:

- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
- (b) works necessary to protect road and other infrastructure;
- (c) remediation of any damage to road and other infrastructure;
- (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
- (e) facilities for vehicle washing, which must be located on the land;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;

If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

27. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

General

28. The sale and consumption of liquor must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
29. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
30. Emptying of bottles and cans (associated with liquor) into bins may only occur between 7:00am and 10:00pm on any day.
31. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

32. The sale of liquor for consumption on the premises must be managed so that the amenity of the area is not detrimentally affected including through:
- (a) The transport of materials, goods or commodities to or from land;
 - (b) The appearance of any buildings, works or materials; and
 - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or the presence of vermin.
33. Within two months of the completion of development, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
34. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Permit Expiry

35. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit;
 - (b) the development is not completed within four years of the date of this permit; or
 - (c) the sale and consumption of liquor is not commenced within five years of the date of this permit; or
 - (d) the sale and consumption of liquor is discontinued for a period of two years.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement.

36. The signage approved under this permit expires 15 years from the date of the permit.

NOTES:

A building permit may be required before development is commenced. Please contact Council's Building Department on 9205 5585 to confirm.

The site is subject to a Heritage Overlay. A planning permit may be required for any external works or advertising signage.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

All future business owners and employees within the development approved under this permit will not be permitted to obtain employee or visitor parking permits.

Submissions

Mr Michael Dunn addressed the Committee on behalf of the Applicant.
The Applicant, Mr Peter Petrulos also addressed the Committee.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Searle

Seconded: Councillor O'Brien

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

The meeting closed at 8.07pm.

Confirmed at the meeting held on Wednesday 2 October 2019

Chair